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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE-OPELOUSAS DIVISION

DELPHINE COUMPOURAS

CIVIL ACTION NO. 05-1449

VS.

JUDGE DOHERTY

HORACE MANN LIFE INS. CO.

MAGISTRATE JUDGE METHVIN

RULING ON JURISDICTIONAL AMOUNT

As required by a standing order of this court, the undersigned has reviewed the record and concludes that the jurisdictional amount has been established in this diversity case.

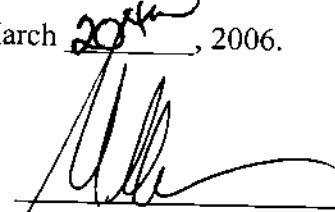
The instant case involves a claim for life insurance benefits under a policy of insurance issued by defendant. Plaintiff alleges that her husband, William Andrus, died on February 8, 2005. Plaintiff further alleges that, prior to Williams's death, defendant issued a policy of life insurance covering Williams's life and naming plaintiff as the policy's beneficiary. Plaintiff alleges that under the terms of the policy, defendant has unlawfully denied her claim for benefits. Plaintiff seeks a declaratory judgment against defendant and contends that defendant is liable for the amount of the benefits, which equals \$125,000.00, as well as penalties, attorneys' fees, and interest.

In an action for declaratory relief, the amount in controversy is "the value of the right to be protected or the extent of the injury to be prevented." Hartford Ins. Group v. Lou-Con Inc., 293 F.3d 908, 910 (5th Cir. 2002), citing Leininger v. Leininger, 705 F.2d 727, 729 (5th Cir.1983). See also St. Paul Reinsurance Co., Ltd. v. Greenburg, 134 F.3d at 1253 (in declaratory judgment actions, the value of the right to be protected is the determining factor in satisfying the jurisdictional amount requirement in actions for declaratory judgment). Specifically, in

declaratory judgment cases that involve the applicability of an insurance policy to a particular occurrence, "the jurisdictional amount in controversy is measured by the value of the underlying claim-- not the face amount of the policy." Hartford Ins. Group v. Lou-Con Inc., 293 F.3d 908, 911 (5th Cir. 2002), citing 14B Charles Alan Wright, Arthur R. Miller & Edward H. Cooper, Federal Practice and Procedure: Jurisdiction 3d §§ 3710 (3d ed.1998).

Given that plaintiff seeks the benefit amount of \$125,000.00, plus attorney's fees, penalties, and interest, the undersigned concludes that the jurisdictional amount has been established.

Signed at Lafayette, Louisiana on March 20th, 2006.



Mildred E. Methvin
United States Magistrate Judge
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